

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LAMONT SCOTT,

Petitioner,

v.

WARDEN STEVEN MERLAK,

Respondent.

)  
) CASE NO. 4:17CV296  
)  
)

) JUDGE BENITA Y. PEARSON  
)  
)

) **MEMORANDUM OF OPINION AND**  
) **ORDER** [Resolving [ECF No. 8](#)]  
)

*Pro Se* Petitioner Lamont Scott, an inmate currently incarcerated at the Federal Correctional Institution (“FCI”) Elkton, Ohio, filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2241](#) ([ECF No. 1](#)). The case was referred to Magistrate Judge Thomas M. Parker for a Report and Recommendation on the Petition, pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2.\(b\)\(2\)](#). When Respondent Warden Steven Merlak failed to file his return of writ as ordered, Petitioner moved for summary judgment. *See* [ECF No. 8](#). “Essentially, [Petitioner sought] default judgment for Respondent’s failure to [timely] respond.” [ECF No. 9 at PageID#: 127](#). Magistrate Judge Parker acknowledged “the need to expeditiously adjudicate a habeas corpus petition,” but drew the line at rendering default judgment in a habeas proceeding due to Respondent’s failure to answer.<sup>1</sup> *Id.* The Report issued reflects that reasoning and recommends that the Court deny Petitioner’s motion for summary judgment. [ECF No. 9](#). Neither party has objected to the Report and Recommendation.

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<sup>1</sup> Respondent eventually filed his answer. *See* [ECF No. 13](#).

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The Federal Magistrate Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(c\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas, 474 U.S. at 149](#).

Given that no objections have been filed, the Court finds that the Report is supported by the record, and agrees with the recommendation to deny Petitioner's motion for summary judgment ([ECF No. 8](#)). Because any further review by this Court would be a duplicative and inefficient use of the Court's limited resources, the Court adopts the Report and Recommendation.<sup>2</sup> [ECF No. 9](#).

Petitioner's Motion for Summary Judgment ([ECF No. 8](#)) is denied. The matter remains pending on the docket of Magistrate Judge Parker.

IT IS SO ORDERED.

December 15, 2017  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge

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<sup>2</sup> [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [Walters, 638 F.2d at 949-50](#).